



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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**JUNE 15, 2015**

Regular meeting of the City Council held on Monday, JUNE 15, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Oram, Ossing, Delano, Page, Elder, Tunnera, Irish, and Landers. Absent: Robey. Meeting adjourned at 9:04 PM.

ORDERED: That the Mayor and City Council President presented City Scholarships certificates to the following students, **FILE**; adopted.

Santiago Vargas  
72 West Hill Road  
Advanced Math and Science Academy

Ryan Keane  
522 Bigelow Street  
Marlborough High School

Vincent Pascal  
1 D'Amico Drive  
Assabet Valley Regional Tech High School

Julia Marshall  
29 Wellington Street  
Marlborough High School

Alysha McGovern  
78 Farmington Circle  
Marlborough High School

ORDERED: Council President Clancy called for the Election of the City Council Vice-President of the Marlborough City Council for the remainder of 2015. Councilor Landers nominated Councilor Delano as Vice-President. Councilor Page seconded the motion for nomination of Councilor Delano as Vice-President. Councilor Delano received nine votes for Vice-President. Yea – Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Oram, & Ossing.

**Yea: 9-Nay: 0-Absent: 1**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, & Oram**

**Absent: Robey**

ORDERED: That the Minutes of the City Council meeting JUNE 1, 2015, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Petition of Eversource to install 160' of 2" IP plastic gas main as a system improvement to 7 Corey Road, Order No. 15-1006237, all were heard who wish to be heard, hearing recessed at 8:14 PM.

**Councilors Present: Clancy, Ossing, Oram, Delano, Page, Elder, Tunnera, Irish, & Landers. Councilors Absent: Robey**

ORDERED: That pursuant to Section 14 of Chapter 40 of the General Laws of Massachusetts, the City does hereby accept for conservation purposes title, by gift of deed of conveyance from Francine P. Martel, as Personal Representative of the Estate of Natalie A. Faddoul, to a certain parcel of vacant land, located off of Stearns Road and contiguous with the Jericho Hill Recreation Area, also known and numbered as Map 114, Parcel 13A on the Assessors' Map of the City of Marlborough, said parcel containing .09 acres or 4,012 square feet, more or less, said deed to be recorded at the Middlesex County South Registry of Deeds, **APPROVED**; adopted.

ORDERED: That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive and active recreational opportunities, the care, custody, management, and control of a certain parcel of vacant land, located off of Stearns Road and contiguous with the Jericho Hill Recreation Area, also known and numbered as Map 114, Parcel 13A on the Assessors' Map of the City of Marlborough, said parcel containing .09 acres or 4,012 square feet, more or less, pursuant to Mass. Gen. Laws c. 40, § 8C, **APPROVED**; adopted.

ORDERED: That the Communication from City Solicitor Donald Rider re: Proposed Order for Proposed Changes in Polling Locations, Order No. 15-1006034, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 13, 2015** as date for a **PUBLIC HEARING** Petition of NGrid and Verizon New England, Inc. to relocate/upgrade electric facilities along Farm Road due to road improvements, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Conservation Commission, April 16 and May 7, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, May 12, 2015, **FILE.**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, April 21, 2015, **FILE**; adopted.

ORDERED: That the following **CLAIMS**, refer to the **LEGAL DEPARTMENT**; adopted.

- a. Sanjay Ahuja, 30 Danjou Drive, residential mailbox claim 2(a).
- b. Tatiana Cardoso, 99 Francis Street, other property damage.
- c. Mary Kish, 112 Stearns Road, residential mailbox claim (2(b)).

## Reports of Committees:

Councilor Delano reported the following out of the Legislative and Legal Affairs Committee:

City Council Legislative and Legal Affairs Committee  
Monday, June 8, 2015 – In Council Chambers  
Minutes and Report

Present: Chairman Katie Robey, Councilor Delano, and Councilor Clancy  
Also present was Assistant Solicitor Panagore Griffin. The meeting was called to order at 6:15 PM.

The Committee met to continue discussion of:

**Council Order 15-1006182, Communication from the Mayor with a proposed Grant of Easement, as requested by the MA Water Resources Authority (MWRA) for the purposes of constructing a new security gate for the John J. Carroll Water Treatment Plant.**

The committee had asked for there to be a formal agreement between MWRA and the City of Marlborough allowing authorized city employees and its contractors and suppliers being escorted by those authorized employees access through the security gate 24 hours day, 365 days per year. Assistant Solicitor Panagore Griffin reviewed the draft agreement informing the committee that although it went with the Grant of Easement, the Council did not need to approve the License Agreement for Access.

**Councilor Delano moved to approve the Grant of Easements on behalf of the City to MWRA for John J. Carroll Water Treatment Plant located at 86 D'Angelo Drive, Marlborough, and described as Parcels 1, 2, and 3; seconded by chair. Motion carried 3-0.**

**Councilor Delano moved to ask for a Suspension of Rules to add this item to the agenda for Monday, June 15 City Council regular meeting for a vote of full Council pending notification from our legal counsel that they received a signed copy of the License Agreement by MWRA and Commissioner Ghiloni; seconded by chair. Motion carried 3-0.**

**(If there is no signed copy, this will lay on the table.)**

Motion made and seconded to adjourn, carried 3-0.

Meeting adjourned at 6:30 PM.

Councilor Elder reported the following out of the Operations and Oversight Committee:

Meeting Name: City Council Operations & Oversight Committee

Date: June 8, 2015

Time: 7:00 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

## Reports of Committees cont'd:

Convened: 7:15 PM

Adjourned: 7:42 PM

Present: Chairman Elder; Operations & Oversight Committee Members Councilors Delano and Landers; Councilors Irish, Clancy and Robey  
Also Present: Mayor Arthur Vigeant; City Clerk Lisa Thomas

**Order No. 15-1006234: Proposed Changes to Polling Locations – The relocation of several polling locations to one central polling location at the new Senior Center located at 40 New Street.**

The Operations and Oversight Committee met with Mayor Arthur Vigeant and City Clerk Lisa Thomas for a discussion regarding the relocation of several polling locations including some on properties not owned by the City to the new Senior Center. The proposed polling locations slated for relocation are the one precinct from the previous Senior Center (Ward 5, Precinct 1), two precincts from the Masonic Lodge (Ward 3, Precinct 1 and Ward 5, Precinct 2), and two precincts from the Boys and Girls Club (Ward 4, Precincts 1 and 2). The Mayor further explained it is a double step process as it first needs approval by Marlborough City Council and then by the Massachusetts State Legislature.

**Motion made by Councilor Delano, seconded by Councilor Landers, to approve the change in polling locations as proposed. The motion carried 3-0.**

**Motion made by Councilor Delano, seconded by Councilor Landers, to ask for a suspension of the rules to have this voted on at the next full City Council meeting and request the Mayor to place in proper legal form and place on the agenda. The motion carried 3-0.**

**Motion made by Councilor Delano, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 7:42 PM.**

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: June 8, 2015

Time: 7:30 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 7:45PM

Adjourned: 8:15PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Elder and Irish; Councilors Delano, Clancy, Landers, and Robey  
Also Present: Mayor Arthur Vigeant; Patricia Pope

**Order No. 15-1006235: The Appointment of Patricia Pope as the Executive Director of the Council on Aging.** Recommendation of the Personnel Committee is to approve the Appointment of Patricia Pope as the Executive Director of the Council on Aging. **Motion made by Councilor Elder, seconded by Councilor Irish, to approve the appointment. The motion carried 3-0.**

**Motion made by Councilor Elder, seconded by Councilor Irish, to adjourn. The motion carried 3-0.**

**The meeting adjourned at 8:15 PM.**

## Reports of Committees cont'd:

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: June 2, 2015

Time: 5:30 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:40 PM

Adjourned: 6:08 PM

Present: Chairman Landers; Public Services Committee Members Councilors Clancy and Irish

Also Present: Councilor Pope

**Order No. 15-1006168A: The Petition of Mass Electric Company and Verizon New England Inc. to install new p22-50 to be set approximately 52' from existing p23 and 175' from existing p22; p22-p50 will be used to feed new 3ph xfmr bank and oh quadruplex service to construction trailer at 200 Forest Street where proposed p22-50 will later be used for permanent service to feed pad mount for new Hotel.**

The Public Services committee met with representatives from the general and electrical contractors for the site. The committee approved the request by National Grid and Verizon to install a new utility pole to provide service to the construction trailer at 200 Forest Street contingent upon a list of standard conditions submitted on May 22, 2015 by City Engineer Evan Pilachowski.

The standard conditions are as follows:

- 1) A street opening permit must be applied for by the proposed contractor performing the work.
- 2) A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 3) The contractor is to ensure property owners are always able to access their driveways (have necessary steel plating on site and accessible).
- 4) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 5) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 6) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 7) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
- 8) Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

**Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the petition of National Grid and Verizon for the installation of a new pole for service to the construction trailer at 200 Forest Street and later permanent service to the new hotel. The motion carried 3-0.**

Reports of Committees cont'd:

**Motion made by Councilor Clancy, seconded by Councilor Irish, to request a suspension of the rules at the next regular City Council meeting on June 15, 2015 so it can be acted upon in the same evening. The motion carried 3-0.**

**Order No. 15-1006188: The Application for renewal of Junk Dealers/Second Hand License, Best Buy Stores, LP, d/b/a Best Buy Stores, LP #820, 769 Donald Lynch Boulevard.**

Police Chief Leonard had approved the CORI report for Brian Novak of Best Buy Store, LP #820 and has no objection to the renewal of his Junk Dealers/Second Hand License. Brian Novak, General Manager of Best Buy Stores, LP #820 located at 769 Donald Lynch Boulevard, explained to the committee their process for the trade-in of used electronics. Also, during his time as general manager, he has not seen any stolen items presented for trade-in.

**Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the renewal of Junk Dealers/Second Hand License for Best Buy Stores, LP #820 located at 769 Donald Lynch Boulevard. The motion carried 3-0.**

**Order No. 15-1006165: The Application for renewal of Junk Dealers/Second Hand License, Theresa Denoncourt Smith, d/b/a Hint of Class Consignment Inc., 72B Hosmer Street.**

Police Chief Leonard has approved the CORI report for Theresa Denoncourt Smith and has no objection to the renewal of her Junk Dealers/Second Hand License. Ms. Denoncourt Smith has seen a significant increase in the number of consigners she works with during the past year. She explained her consignment process to the committee including the types of items she will accept and not accept into her business. For example, Ms. Denoncourt Smith only takes costume jewelry, not gold jewelry because she is not in the business of selling gold and cannot appraise a value to the pieces and recommends those customers go to a business that specializes in gold jewelry.

**Motion made by Councilor Clancy, seconded by Councilor Irish, to approval the renewal of Junk Dealers/Second Hand License for Theresa Denoncourt Smith, d/b/a Hint of Class Consignment Inc., 72B Hosmer Street. The motion carried 3-0.**

**Motion made by Councilor Clancy, seconded by Councilor Irish, to adjourn. The motion carried 3-0. The meeting adjourned at 6:08 PM.**

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: June 8, 2015

Time: 6:45 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Reports of Committees cont'd:

Convened: 6:48 PM

Adjourned: 7:08 PM

Present: Chairman Landers; Public Services Committee Members Councilors Clancy and Irish; Councilor Delano

**Order No. 15-1006201: The Application for Renewal of Junk Dealers/Second Hand License, Gerald Dumais, d/b/a, Dumais and Sons Second Hand Store, 67 Mechanic Street.**

Police Chief Leonard has approved the CORI report for Gerald Dumais of Dumais and Sons Second Hand Store and has no objection to the renewal of his Junk Dealers/Second Hand License. Mr. Dumais provided a summary of his business over the past year and indicated to the committee he has opened his store around thirty times as he does not have the time to run the store because he is taking care of his rental properties throughout the City.

**Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the renewal of Junk Dealers/Second Hand License for Gerald Dumais of Dumais and Sons Second Hand Store. The motion carried 3-0.**

**Order No. 15-1006186A: The Petition of Comcast to construct a line for such telecommunications on Newton St. starting at the utility pole opposite the intersection of Weed Street, excavate and place 3" schedule 40 PVC conduit system continuing in an easterly direction toward Weed Street, continue within Weed Street and turn in a northerly direction towards Main Street within the paved foot path between 194 & 200 Main Street, turning in a easterly direction to the rear of 178-194 Main Street.**

The Public Services Committee met with the petitioner, Jody Gaudet of Comcast, and asked several questions regarding the project including the exact path of the installation, trenching depth, patching requirements, and required rights of way. Mr. Gaudet explained he has been in contact with the Engineering Department of the City of Marlborough Department of Public Works, and they will inform him of trench depth and patching requirements as well as any required adjustments to exactly where street cuts should be made for conduit installation.

Chairman Landers read the conditions for the project and they are as follows:

1. The conduits and manholes shall be of such materials and construction and all work done in such manner as to be satisfactory to the City Council or to such officers as it may appoint to the supervision of the work, and a plan showing the location of conduits constructed shall be filed with the City when the work is completed.
2. Said Company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.

## Reports of Committees cont'd:

3. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of One Hundred Thousand Dollars (\$100,000) (reference being had to the bond already on file with said City) conditioned for the faithful performance of its duties under this permit.
4. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

**Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the petition of Comcast. The motion carried 3-0.**

**Motion made by Councilor Clancy, seconded by Councilor Irish, to adjourn. The motion carried 3-0. The meeting adjourned at 7:08 PM.**

**Suspension of the Rules requested – granted**

ORDERED: That the City of Marlborough grant a permanent easement, to be executed by the Mayor on behalf of the City, to the MASSACHUSETTS WATER RESOURCES AUTHORITY, a Massachusetts public authority having its principal place of business at the Charlestown Navy Yard, 100 First Avenue, Building 39, Boston, Massachusetts 02129, and a facility known as the John J. Carroll Water Treatment Plant located at 86 D'Angelo Drive, Marlborough, MA, described as PARCEL 1, PARCEL 2, and PARCEL 3 in the attached Grant of Permanent Easements and as shown on the plan attached to said Grant as Exhibit "A", entitled "Easement Plan of Land In Marlborough, Massachusetts, Prepared For Massachusetts Water Resources Authority, March 26, 2014, By Bryant Associates, Inc., 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1" = 20 FT." for the purposes of entering upon, passing and repassing, and excavating, locating, relocating, erecting, constructing, reconstructing, adding to, extending, repairing, replacing, maintaining, operating, inspecting or removing structures, utilities, equipment, appurtenances and fixtures on, over, under and across those certain parcels of land of the City of Marlborough described and shown on Exhibit "A", which shall be recorded at the Middlesex South District Registry of Deeds.

**GRANT OF PERMANENT EASEMENTS**

The CITY OF MARLBOROUGH, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts having an address of 140 Main Street, Marlborough, Massachusetts (hereinafter called the Grantor), in consideration of the mutual covenants contained herein, grant(s) to the MASSACHUSETTS WATER RESOURCES AUTHORITY, a Massachusetts public authority having its principal place of business at the Charlestown Navy Yard, 100 First Avenue, Building 39, Boston, Massachusetts 02129, and a facility known as the John J. Carroll Water Treatment Plant located at 86 D'Angelo Drive, Marlborough, MA, its successors and assigns (hereinafter called the Grantee), with quitclaim covenants, the right and easement to enter upon, pass and repass, excavate, locate, relocate, erect, construct, reconstruct, add to, extend, repair, replace, maintain, operate, inspect or remove structures, utilities, equipment, appurtenances and fixtures on, over, under and across those certain parcels of Grantor's land described and shown as PARCEL 1, PARCEL 2, and PARCEL 3 on the plan entitled "Easement Plan of Land In Marlborough, Massachusetts, Prepared For Massachusetts Water Resources Authority, March 26, 2014, By Bryant Associates, Inc., 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1" = 20 FT.", a reduced copy of said plan being attached hereto as "Exhibit A".

Grantor shall have no right to relocate said easements without the express written consent of the Grantee, which may be withheld in Grantee's sole discretion. The Grantee shall have all other rights and benefits that it deems necessary for the full implementation and use of the rights herein granted, including, but not limited to, the right to remove and clear all rocks, trees, brush, limbs, structures and other obstructions which in the opinion of the Grantee might interfere with the rights herein granted, and the right of vehicular and pedestrian access across the Grantor's land for all the above purposes.

It is agreed that such structures, utilities, equipment, appurtenances and fixtures and each and every part thereof, whether fixed to the realty or not, shall be and remain the property of the Grantee, its successors and assigns, as their interests may appear.

Executed as a sealed instrument by an authorized signatory this \_\_\_\_ day of \_\_\_\_\_, 2015.

City of Marlborough  
By Its Mayor,

\_\_\_\_\_  
Arthur G. Vigeant

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared Arthur G. Vigeant proved to me through satisfactory evidence of identification which was personal knowledge, to be the person whose name is signed on the preceding document and acknowledged to me that he, in his capacity as the Mayor of the City of Marlborough, signed it voluntarily for its stated purpose as the free act and deed of the City of Marlborough.

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 Notary Public

My commission expires:

**APPROVED;** adopted.**Suspension of the Rules requested – granted**

**ORDERED:** That, due to the availability and suitability of the new senior center at 40 New Street, located in Ward Three, Precinct One, to serve as an appropriate polling location for Ward Three, Precinct One, as well as for various adjacent voting precincts within the city of Marlborough, the City Council hereby determines, pursuant to M.G.L. c. 54, § 24, that the public convenience would be better served by relocating to the new senior center the polling places for the following precincts:

- **Ward Three, Precinct One**, the polling place for which is currently located in the Masonic Hall at 8 Newton Street;
- **Ward Four, Precinct One**, the polling place for which is currently located in the Boys and Girls Club at 169 Pleasant Street; and
- **Ward Five, Precinct One**, the polling place for which is currently located in the former senior center at 250 Main Street.

And it is further ordered, for various other existing polling places currently located in voting precincts not adjacent to Ward Three, Precinct One in which the new senior center is located, namely:

- **Ward Four, Precinct Two**, the polling place for which is the Boys and Girls Club at 169 Pleasant Street; and
- **Ward Five, Precinct Two**, the polling place for which is currently located in the Masonic Hall at 8 Newton Street,

that the public convenience would be better served by relocating to the new senior center the polling places for those precincts, and that a home rule petition be filed in the form set forth in the accompanying order.

**The Order was Approved by a HAND VOTE of 6-3. In favor were: Councilors Ossing, Delano, Elder, Irish, Clancy and Landers. Opposed were: Councilors Page, Tunnera and Oram. Councilor Robey was absent.**

**APPROVED;** adopted.

**Suspension of the Rules requested – granted****ORDERED:**

That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:-

**AN ACT RELATIVE TO POLLING PLACES  
IN THE CITY OF MARLBOROUGH**

**Be it enacted** by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**SECTION 1.** Notwithstanding section 24 of chapter 54 of the General Laws or any other general or special law to the contrary, the city council of the city of Marlborough shall designate the polling place for each voting precinct in the city of Marlborough and shall authorize the mayor of the said city to cause each polling place to be suitably fitted up and prepared. The city council shall locate the polling place in a public, orderly and convenient portion of the precinct; provided, however, that if the city council determines that the public convenience would be better served, it may designate a polling place in any adjacent or non-adjacent precinct of the city.

**SECTION 2.** This act shall take effect upon its passage.

**The Order was Approved by a HAND VOTE of 6-3. In favor were: Councilors Ossing, Delano, Elder, Irish, Clancy and Landers. Opposed were: Councilors Page, Tunnera and Oram. Councilor Robey was absent.**

**APPROVED;** adopted.

**Suspension of the Rules requested – granted**

**ORDERED:** That the Appointment of Patricia Pope as the Executive Director of the Council on Aging effective July 6, 2015, **APPROVED;** adopted.

**The City Clerk read into the record, a statement from Councilor Robey in support of Mrs. Pope's appointment to the Council on Aging as she was not present at this meeting.**

**Yea: 8-Nay: 1-Absent: 1**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers & Ossing.**

**Nay: Oram**

**Absent: Robey**

**Suspension of the Rules requested – granted**

ORDERED: That the Petition of Mass Electric Company and Verizon New England Inc. to install new p22-50 to be set approximately 52' from existing p23 and 175' from existing p22; p22-p50 will be used to feed new 3ph xfmr bank and oh quadruplex service to construction trailer at 200 Forest St. where proposed p22-50 will later be used for permanent service to feed pad mount for new Hotel, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

- 1) A street opening permit must be applied for by the proposed contractor performing the work.
- 2) A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 3) The contractor is to ensure property owners are always able to access their driveways (have necessary steel plating on site and accessible).
- 4) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 5) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 6) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 7) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
- 8) Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

**Suspension of the Rules requested – granted**

ORDERED: That the Petition of Comcast to construct a line for such telecommunications on Newton St. starting at the utility pole opposite the intersection of Weed St., excavate and place 3" schedule 40 PVC conduit system continuing in an easterly direction toward Weed St., continue within Weed St. and turn in a northerly direction towards Main St. within the paved foot path between 194 & 200 Main St., turning in a Easterly direction to the rear of 178-194 Main St, be and is herewith **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The conduits and manholes shall be of such materials and construction and all work done in such manner as to be satisfactory to the City Council or to such officers as it may appoint to the supervision of the work, and a plan showing the location of conduits constructed shall be filed with the City when the work is completed.
2. Said Company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
3. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of One Hundred Thousand Dollars (\$100,000) (reference being had to the bond already on file with said City) conditioned for the faithful performance of its duties under this permit.

4. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

**ORDERED:** That the City Council obtain a decision from the City Solicitor, as the best way to legally proceed, as to the vacated City Council seat caused by the June 5<sup>th</sup> resignation of Councilor-at-Large Trish Pope.

Some of the suggested recommendations that the Council might wish to explore are as follows:

- 1) To continue with the seat vacant for the remainder of the legislative session that would expire on December 31, 2015.
- 2) To fill the vacant seat, by majority vote of the present City Council, with a former City Councilor or Marlborough resident, who has expressed a desire to assist the Council for the interim period and is not a candidate for election to any position in the upcoming Biennial City Election to be held on November 3, 2015.
- 3) To wait until after the completion of the November 3, 2015, election and fill the seat with a newly elected Councilor-at-Large, who is not a present City Councilor.

If another solution is available the Council would appreciate suggestions for the “best way” so they may legally proceed.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH NOW ORDAINS THAT §650-26 OF THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

By deleting the terms of §650-26 A.(1)(a) in their entirety and inserting in place thereof the following new terms:

§650-26 A.(1)

(a) Number of affordable units. The development shall (i) provide that at least 15% of the dwelling units to be constructed for homeownership or rental purposes will be made available at affordable prices to home buyers or renters, or (ii) if authorized by a majority of the City Council, provide a sum not less than \$50,000 per affordable dwelling unit that would have been required in (i) hereunder to be deposited as directed by the City Council into the fund for economic development created by Chapter 126 of the Acts of 2011 or into another fund designated by the City Council.

**APPROVED;** adopted.

**June 1, 2015**

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; objection.**

**Councilor Oram opposed to passage in one evening. This item will be placed on the agenda for the next City Council meeting on June 15, 2015.**

**June 15, 2015**

**Passage to Ordain – Roll Call Vote**

**Yea: 8-Nay: 1-Absent: 1**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers & Ossing.**

**Nay: Oram**

**Absent: Robey**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:04 PM.